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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,286	03/22/2001	David Jones	1365.044US1	4559

21186 7590 09/03/2004

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EXAMINER

LAZARO, DAVID R

ART UNIT PAPER NUMBER

2155

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/815,286

Applicant(s)

JONES ET AL.

Examiner

David Lazaro

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2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-140 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-140 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-43, 139 and 140, drawn to a host for executing a requested operation and freeing associated resources based on the presence of the requestor, classified in class 709, subclass 223.
 - II. Claims 44-48, drawn to a device including means for setting a flag to indicate the presence of another device and determining if the device is capable of sending data, classified in class 709, subclass 228.
 - III. Claims 49-82, 92-96, 106, 109-111, 114, 115, 120, 122, 135, 136 and 138, drawn to a code module for controlling a local processor connected to remote processors and for saving information concerning a session formed between local and remote processors, classified in class 709, subclass 201.
 - IV. Claims 83-91, drawn to a primary control module for controlling a processor to store information concerning at least one secondary code module, classified in class 709, subclass 202.

- V. Claims 97-105, drawn to a method of sharing distributed data files between a number of devices with the location of the data files provided to those with appropriate access rights, classified in class 709, subclass 225.
- VI. Claims 107-108, drawn to a method of transferring files from a first device to a second device through the use of a registry device and registration requests, classified in class 709, subclass 227.
- VII. Claims 112 and 113, drawn to a method of transferring a file from a first device to a second device where the file is subdivided into portions and sockets are changed between transmissions of individual portions, classified in class 709, subclass 236.
- VIII. Claims 116-119, drawn to a method of communication between a first device and a second device where a transaction can be refused based on the identity provided in a registration request, classified in class 709, subclass 229.
- IX. Claim 121 drawn to a plurality of devices on a network able to access data files outputted as webpages through a web server responsive to authorized access requests, classified in class 709, subclass 203.

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- X. Claims 123-134 and 137 drawn to a method of leasing file content to a remote device, classified in class 709, subclass 217.
-
- 2. The inventions are distinct, each from the other because of the following reasons:
 - 3. Inventions I-X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.
 - a. In the instant case, invention I has separate utility such as freeing resources associated with a requested operation when the requestor is not present.
 - b. In the instant case, invention II has separate utility such as setting a flag to indicate the presence of another device and determining if the device is capable of sending data.
 - c. In the instant case, invention III has separate utility such as controlling a local processor connected to remote processors and for saving information concerning a session formed between local and remote processors.
 - d. In the instant case, invention IV has separate utility such as controlling a processor to store information concerning at least one secondary code module.
 - e. In the instant case, invention V has separate utility such as sharing distributed data files between a number of devices with the location of the data files provided to those with appropriate access rights.

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f. In the instant case, invention VI has separate utility such as transferring files from a first device to a second device through the use of a registry device and registration requests.

g. In the instant case, invention VII has separate utility such as transferring a file from a first device to a second device where the file is subdivided into portions and sockets are changed between transmissions of individual portions.

h. In the instant case, invention VIII has separate utility such as refusing a transaction communicated between a first device and a second device based on the identity provided in a registration request sent to the second device.

i. In the instant case, invention IX has separate utility such as allowing a plurality of devices to access data files outputted as webpages based on authorized access requests.

j. In the instant case, invention X has separate utility such as leasing file content to a remote device.

See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. A telephone call was made to Timothy Clise (40,957) on 08/25/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

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6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
9. In accordance with 35 U.S.C. 133, a shortened statutory period of one month (not less than 30 days) is hereby set forth to reply to this Office Action. See also MPEP 710.02(b).
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 703-305-4868. The examiner can normally be reached on 8:30-5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Lazaro
September 1, 2004



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER